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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,073	05/06/2005	Sandrine Merigeault	FR 020119	2775

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
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EXAMINER
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ALIA, CURTIS A

ART UNIT	PAPER NUMBER
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2616

MAIL DATE	DELIVERY MODE
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03/20/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/534,073	<b>Applicant(s)</b> MERIGEAULT ET AL.	
	<b>Examiner</b> Curtis A. Alia	<b>Art Unit</b> 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06 May 2005</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Specification***

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because the abstract contains the phrase "the invention relates," as well as the terms "means" and "said." Also, the abstract is not particularly written in a narrative form, as it is just reciting claim 1. It is suggested to rewrite the abstract to conform to the suggestions as specified in the MPEP (explained above). Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Art Unit: 2616

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 11 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 11 fails to fall within a statutory category of invention. It is directed to the program itself, not a process occurring as a result of executing the program, a machine programmed to operate in accordance with the program nor a manufacture structurally and functionally interconnected with the program in a manner which enables the program to act as a computer component and realize its functionality. It's also clearly not directed to a composition of matter. Therefore, it is non-statutory under 35 USC 101.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 2-3, 5, and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 2, it is unclear as to whether “a received data unit (UDR)” refers to the same “data unit (UDR)” recited in line 3 of claim 1. The same issue exists with claim 5 in relation to claim 4 with the terms “a data unit (UDR)” and “a received data unit (UDR).”

Claim 3 is rejected for being dependent on rejected claim 2.

Regarding claim 5, it is unclear as to whether “a network” refers to the same network claimed in line 2 of claim 4, from which claim 5 depends.

Regarding claim 9, it is unclear as to whether "a data unit" on line 6 refers to the same data unit claimed on line 2.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Boucher et al. (US 6,226,680).

Regarding claim 1, Boucher discloses a receiver (see column 3, lines 45-49, provided on a receiver) comprising means for using a network stack intended to process a data unit received via a network (see column 5, lines 15-24, protocol processing stack comprises layers for sending and receiving messages), means for establishing a direct connection between a departure layer and an arrival layer of the network stack (see column 6, lines 56+, packets that are determined to be fast-path packets are sent directly to its final destination stack layer), means for generating local data at the level of the departure layer, the local data being intended to be transmitted to the arrival layer via the direct connection (see column 5, lines 24-31, a connection context summarizes various features of the packet and connection of that packet), means for packeting the local data into a data structure (see column 6, lines 60-64, the lower layer headers are stripped, leaving a higher layer packet for processing by the destination stack layer), and means for retrieving the local data at the level of the arrival layer (see column 5, lines 32-37, the context

Art Unit: 2616

data received by the CPD is sent directly to storage, bypassing the sequential protocol processing).

Regarding claim 2, Boucher discloses marking means intended to associate the data structure with a received data unit by adding a marker to it (see column 6, lines 28-32, packets are marked with markers associating the data with the stream of packets it belongs to).

Regarding claim 3, Boucher discloses that the marker is chosen to be equal to the received data unit (see column 5, lines 37-43, the context for the file is added by the CPD referencing a CCB, instead of adding headers between each layer).

Regarding claim 4, Boucher discloses a method of processing a data unit received (see column 3, lines 45-49, provided on a receiver) via a network, intended to be used by a receiver comprising means for using a network stack (see column 6, lines 56+, packets that are determined to be fast-path packets are sent directly to its final destination stack layer) and means for establishing a direct connection between a departure layer and an arrival layer of the network stack (see column 6, lines 56+, packets that are determined to be fast-path packets are sent directly to its final destination stack layer), the method comprising the steps of generating local data at the level of the departure layer, the local data being intended to be transmitted to the arrival layer via the direct connection (see column 5, lines 24-31, a connection context summarizes various features of the packet and connection of that packet), packeting the local data into a data structure, and retrieving the local data at the level of the arrival layer (see column

Art Unit: 2616

6, lines 60-64, the lower layer headers are stripped, leaving a higher layer packet for processing by the destination stack layer).

Regarding claim 5, Boucher discloses a marking step intended to associate the data structure with a received data unit by adding a marker to it (see column 6, lines 28-32, packets are marked with markers associating the data with the stream of packets it belongs to).

Regarding claim 6, Boucher discloses a transmitter (see column 3, lines 45-49, provided on a transmitter), comprising means for using a network stack intended to process a data unit received via a network (see column 5, lines 15-24, protocol processing stack comprises layers for sending and receiving messages), means for establishing a direct connection between a departure layer and an arrival layer of the network stack (see column 6, lines 56+, packets that are determined to be fast-path packets are sent directly to its final destination stack layer), means for generating local data at the level of the departure layer, the local data being intended to be transmitted to the arrival layer via the direct connection (see column 5, lines 24-31, a connection context summarizes various features of the packet and connection of that packet), means for packeting the local data into a data structure (see column 6, lines 60-64, the lower layer headers are stripped, leaving a higher layer packet for processing by the destination stack layer), and means for retrieving the local data at the level of the arrival layer (see column 5, lines 32-37, the context data received by the CPD is sent directly to storage, bypassing the sequential protocol processing).

Regarding claim 7, Boucher discloses marking means intended to associate the data structure with the data to be transmitted, by adding a marker to it (see column 6, lines 28-32, packets are marked with markers associating the data with the stream of packets it belongs to).

Regarding claim 8, Boucher discloses that the marker is chosen to be equal to the data to be transmitted (see column 5, lines 37-43, the context for the file is added by the CPD referencing a CCB, instead of adding headers between each layer).

Regarding claim 9, Boucher discloses a transmission system comprising a transmitter, a network and a receiver for transmitting a data unit from the transmitter to the receiver via the network (see figure 12, transmitter and receiver can be client or server and network is connection 210), the receiver comprising means for using a network stack intended to process a data unit received via a network (see column 5, lines 15-24, protocol processing stack comprises layers for sending and receiving messages), means for establishing a direct connection between a departure layer and an arrival layer of the network stack (see column 6, lines 56+, packets that are determined to be fast-path packets are sent directly to its final destination stack layer), means for generating local data at the level of the departure layer, the local data being intended to be transmitted to the arrival layer via the direct connection (see column 5, lines 24-31, a connection context summarizes various features of the packet and connection of that packet), means for packeting the local data into a data structure (see column 6, lines 60-64, the lower layer headers are stripped, leaving a higher layer packet for processing by the destination stack layer), and means for retrieving the local data at the level of the arrival layer (see column 5, lines 32-37, the



Art Unit: 2616

context data received by the CPD is sent directly to storage, bypassing the sequential protocol processing).

Regarding claim 10, Boucher discloses a transmission system comprising a transmitter, a network and a receiver for transmitting data from the transmitter to the receiver via the network (see figure 12, transmitter and receiver can be client or server and network is connection 210), the transmitter comprising means for using a network stack, intended to transform the data to be transmitted into a data unit (see column 5, lines 15-24, protocol processing stack comprises layers for sending and receiving messages), means for establishing a direct connection between a departure layer and an arrival layer of the network stack (see column 6, lines 56+, packets that are determined to be fast-path packets are sent directly to its final destination stack layer), means for generating local data at the level of the departure layer, the local data being intended to be transmitted to the arrival layer of the direct connection (see column 5, lines 24-31, a connection context summarizes various features of the packet and connection of that packet), means for packeting the local data into a data structure (see column 6, lines 60-64, the lower layer headers are stripped, leaving a higher layer packet for processing by the destination stack layer), and means for retrieving the local data at the level of the arrival layer (see column 5, lines 32-37, the context data received by the CPD is sent directly to storage, bypassing the sequential protocol processing).

Regarding claim 11, Boucher teaches a computer program product for a receiver, comprising a set of instructions for performing a method, wherein the program is executed by a

Art Unit: 2616

processor (see abstract, lines 6-8, INIC assists processing by software layers, figure 4b comprises a host 30 with processor 55 and memory 60, and a CPU executes instructions stored in memory).

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Curtis A. Alia whose telephone number is (571) 270-3116. The examiner can normally be reached on Monday through Friday, 8am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Aung S. Moe can be reached on (571) 272-7314. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Curtis A Alia/  
Examiner, Art Unit 2616  
3/15/2008

/Aung S. Moe/  
Supervisory Patent Examiner, Art Unit  
2616

Application/Control Number: 10/534,073  
Art Unit: 2616

Page 10

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